

RECEIVED

RECEIVED

JUN 23 1992

JUN 23 1992

Contractors Clearing House

P.O. Box 12515

Ogden, Utah 84412-2515

FEDERAL COMMUNICATIONS COMMISSION

OFFICE OF THE SECRETARY

06/23/92 MAIL BRANCH

Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20054

ORIGINAL  
FILE

The Telephone Consumer Protection Act Of 1991 } CC docket No. 92-90

Reply date: 06/25/92

Reply comments to: CC Docket No. 92-90

On June 16th, we learned that your office was taking comments concerning the TELEPHONE CONSUMER PROTECTION ACT. Which is very much in our intrest. Being that we would like to operate an auto dialing service to distribute public service announcements, and consumer protection information. (please refer to The Telephone Consumer Protection Act of 1991, page #4 (#10.) Non-commercaill calls,) Both types of promotions of information can only be used with a free public service information 1-800 number, to call for more information that pertains to their own protection and convenience.

Our company policy

We will always require of our members that supply labor related services, to provide all of our clients a minimum one year workmanship guarantee, established under the guidelines set by Home Owners Warranty (a builders warranty company).

Goal

By the year 1997, Contractors Clearing House plans to cover the western region of the United States with our service. Acting as the public servant, paid for and supported by the contracting trades and residential services.

Sincerely yours,

*Mark D. Bergman*

Mark D. Bergman,  
Contractors Clearing House

No. of Copies rec'd \_\_\_\_\_  
List A B C D E \_\_\_\_\_

RECEIVED

JUN 23 1992 RECEIVED

**WARNING**  
**CONSUMER PROTECTION INFORMATION**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY JUN 23 1992

**THE TOPIC**

**FCC MAIL BRANCH**

Research into Utah state law concerning contractors and home owners has been very revealing, and is not what I was hoping for. I've discovered that the new home buyer or home owner who is thinking about having construction contracted, is in for a few surprises.

**THE DETAILS**

#1. The Law (14-2-1 Definitions-) states: "Before any contract exceeding \$2,000, in the amount for construction, or repairs of any building or improvement upon land is awarded to any contractor, the (home) owner SHALL obtain from the contractor a payment bond complying with subsection (3)"

Which reads: "(3) The payment bond shall be with a surety or sureties satisfactory to the (home) owner for the protection of all persons supplying labor, services, equipment, or materials in the prosecution of the work provided for in the contract in a sum equal to the contract price"

#2. Yet should the (home) owner not know or understand this law and does not obtain the above mentioned bond, then, The law: 14-2-2. (1 2 3) "Any owner who fails to obtain a payment bond is liable to each person who preformed labor, supplied equipment, or materials." These liability suits can be awarded the full amount and reasonable attorneys' fees. Even if the contractor was paid in full..

#3. No contractor is required to guarantee their workmanship, or are they required to disclose to their clients, any information that pertains to their customers own protection. Yet D.O.P.L. (Department Of Occupational and Professional Licensing) has everything they need at the Division of Real Estate. Which is the rules and regulations regarding disclosure of pertinent information before entering into a contract.

**THE EASIEST RESOLUTION**

Contractors Clearing House is here to help, we will provide any person with a proposal and contract sheet, release of liability form, bid sheets & construction scheduling, names and phone numbers of contractors that work in their area, at no charge to the customer. Our service is state wide and supported by contractors. With the main purpose of our existence being for marketing Contractors & Residential services to HOME owners. By doing this, everyone can win!!!

**THE INEVITABLE SOLUTION**

- #1. Lobby for a disclosure law.
- #2. Lobby for a one year workmanship guarantee law.

## **The Service Bureau**

As a leader in its field, Dial Evolution, Inc. is a driving force in the clean-up of the outbound telecommunications industry. Dial Evolution operates all of our unsolicited telemarketing, or preferably referred to "Telebroadcasting" programs under the following guidelines:

1. Sales calls only to an established customer base.
2. Sales calls placed between the hours of 9 a.m. - 9 p.m., Monday through Saturday, and between the hours of 12 noon - 6 p.m. on Sundays.
3. Promotion of Public Service Announcements or Awareness. (Non-sales)
4. Immediate disclosure of the call's intention and play-time.

It is understandable why unsolicited calls are a volatile issue in the protection of consumer rights, but we must also realize that there are still many legitimate telebroadcasting programs which are designed to inform and protect the public as well.

Our immediate concern revolves around the up-coming Telephone Consumer Protection Act, (Docket #92-90). More specifically, the issue of automated/sequential dialing for the delivery of these telebroadcasting messages. The immediate shortcoming is its threat to ban the use of auto dialing for these programs. While auto dialing has the controversial problem of stumbling upon unlisted numbers, it can also ensure the fair distribution of relevant public information, warnings and awareness.

In such programs as Public Service Announcements or Awareness, sponsors are funding the delivery for the benefit of the consumer or public. These programs are not structured for direct sales, but rather for the comprehensive distribution aspects of an automated message delivery system. One reason which these programs are still being sponsored is that an auto dialer program can be run at a fairly low cost. However, if auto dialing were to become cluttered with restrictions and/or limitations, the sponsor's alternative of obtaining pre-constructed databases would drive the operating cost upwards by 2 - 3 times.

As you can see, a ban on auto dialing could seriously jeopardize the sincerity and participation in these truly consumer oriented programs.

While the protection of telephone consumers is the issue at hand, we must be careful with any legislative action which may over-protect the public. The public has the genuine right to awareness and pertinent information, and if these telebroadcasting programs are the means to delivery, then we must protect the sponsor's tools of communication as well.

1. The FCC needs to implement tough governing regulations over unsolicited telephone sales calls, repeated harassment and any fraudulent marketing schemes.
2. The FCC needs to protect legitimate consumer service announcements or awareness programs, which in-turn ensures the public to the right and opportunity to receive the information.
3. The FCC needs to minimize restrictions or limitations on the use of auto dialing, which has been the foundation for cost effective delivery of public service announcements.
4. The FCC needs to restrict the re-sale of databases generated by these auto dialer programs.

Sincerely,

A handwritten signature in black ink, appearing to read 'JRH' or similar, written in a cursive style.

J. Randy Hancock  
President - Dial Evolution, Inc.  
(801) 272-0580